

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ALLAN SCHUBERT, )  
vs. )  
Petitioner, )  
vs. )  
RANDY WORKMAN, Warden, )  
Respondent. )  
NO. CIV-12-482-D

## ORDER

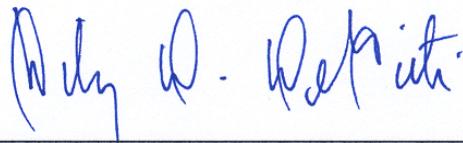
Petitioner, a state prisoner appearing *pro se*, brought this action for a writ of habeas corpus pursuant to 28 U. S. C. § 2241. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings. As required by Rule 4 of the Rules Governing Section 2241 Cases, the Magistrate Judge examined the petition and determined that this action should have been filed in the United States District Court for the Eastern District of Oklahoma. As a result, she filed a Report and Recommendation [Doc. No. 8] in which she recommended that the action be transferred to that court.

In the Report and Recommendation, the Magistrate Judge advised Petitioner of his right to object to the findings and conclusions set forth therein, and she scheduled a June 12, 2012 deadline for filing objections. She further explained that a failure to timely object to the Report and Recommendation would constitute a waiver of Petitioner's right to appellate review of both the factual and legal matters addressed in the Report and Recommendation.

Petitioner's deadline for filing objections has expired, and he failed to object or to request an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No.

8] is adopted as though fully set forth herein. The Magistrate Judge correctly determined that Petitioner is challenging a disciplinary proceeding at the Oklahoma State Penitentiary in McAlester, Oklahoma, which is located within the territorial jurisdiction of the United States District Court for the Eastern District of Oklahoma. A § 2241 petition challenging the execution of a sentence must be filed in the federal district where the petitioner is confined. *See Bradshaw v. Story*, 86 F.3d 164, 166 (10<sup>th</sup> Cir. 1996). Accordingly, this action is hereby transferred to the United States District Court for the Eastern District of Oklahoma. The Court Clerk is directed to take the action necessary to effectuate the transfer.

IT IS SO ORDERED this 22<sup>nd</sup> day of June, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE